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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,761	02/19/2004	Tatsuo Okuda	247595US3 CONT	2081
22850 7590 06/26/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
06/26/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/780,761

**Applicant(s)**

OKUDA, TATSUO

**Examiner**

YOGESH K. AGGARWAL

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-8,10-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-13,15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed 03/13/2009 have been fully considered but they are not persuasive.

**Examiner's response:**

2. Applicant argues with regards to claim 1 that The outstanding Office Action asserts that the flash 9 of Burnham is at a first "constant" distance from the lens 23 when the camera is open and is at a second "constant" distance when the camera is closed, as depicted at Figures 1 and 2 of Burnham. However, the claim requires it be a single constant distance. The Examiner respectfully disagrees. The claim never recites that the camera has to be at a constant distance in both closed and opened condition. Therefore as long as the flash is at a constant distance from the camera in an open condition while the camera is ready to take pictures, Burnham meets the claimed limitations.

3. Applicant argues with regards to claim 1 that Burnham fails to teach a cover device "configured to cover said lens and said flash device...including a cover member...sliding within a range of said camera body." The Examiner respectfully disagrees. As taught in col. 3 lines 8-27 and figures 1-3, a pivot connection of the front housing permits the flash unit 5 to be manually swung to cover a lens opening. The word "sliding" has been interpreted as operating or moving on a track or groove as taught in Merriam Webster dictionary. In this case the flash unit 5 is pivoted to the camera housing 3 by means of an axial pin 15 extending through an axial opening 17 and covers the flash emission window 9 and the rear supporting part 13 that acts as a cover for lens is pivoted on axial opening 27 in the rear supporting part (col. 3 lines 8-38). The head part 5 and the rear part 11 move along these pivot connections (axial pins 15 and 27 respectively)

within a range of the camera body 3. Therefore the limitation a cover device “configured to cover said lens and said flash device...including a cover member...sliding within a range of said camera body” is taught in Burnham. (see *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997) (“the PTO must give claim words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art.”)).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-8, 10-13, 15, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnham (US Patent # 5,005,032) in view of Fellegara et al. (US Patent # 5,845,166).

[Claim 1]

Burnham teaches a camera (figures 1-5), comprising a camera body (3) a camera body, said camera body being longer in a lateral direction than in a vertical direction perpendicular to the lateral direction, an optical system including a lens positioned on a first side of said camera body (lens 23); a flash device (9), said flash device secured to said camera body on the first side of said camera body and at a constant distance from said lens camera body and at a constant distance from said lens, and said lens and said flash device being arranged in the lateral direction and (See figures 1 and 2, flash device 9 is secured to camera body 3 via gear rings 51 and 47 and is at a constant distance when open or close); and a cover device (combination of 5 and 13)

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coupled to said camera body and configured to cover said lens and said flash device (see figure 3, wherein 5 covers flash 9 and 13 covers the lens), said cover device including a cover member configured to cover and uncover said lens and said flash device by sliding within a range of said camera body in a vertical direction at the first side of said camera body (See figures 2, 4 and 5 and the explanation above). Burnham fails to teach a digital camera. However Fellegara teaches a digital camera (See A/D converter 118 in figure 6).

Therefore taking the combined teachings of Burnham and Fellegara, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a digital camera in order to have digital images that are easier to manipulate and easier to distribute over electronic media (e.g., the Internet or e-mail). Digital image data may be stored, processed, and/or reproduced with ease. The relative ease of handling and processing the digital image data produced by digital cameras allows users to readily enlarge, reduce, or otherwise modify the digital image data to create any of a wide range of photographic effects and styles.

[Claim 2]

Burnham teaches wherein said lens (23) is arranged at an upper edge of the first side of said camera body (See figure 2, wherein lens 23 is arranged at an upper edge of the first side of the camera).

[Claim 4]

Fellegara teaches wherein said cover device is configured to actuate a power switch to said digital camera when said cover device is moved from a closed position to an open position (col. 10 lines 7-17).

[Claim 5]

Fellegara teaches a display device (figure 5, display 36) positioned on a second side of said camera body, wherein said second side of said camera body is opposite to said first side of said camera body (col. 4 lines 35-38).

[Claims 6, 8, 10 and 11]

See Examiner's notes regarding rejection of claims 1, 2, 4 and 5 respectively.

[Claim 7]

Fellegara teaches wherein said lens cover is slidably actuated between an open position and closed position (figure 1 shows a closed position and figure 2 shows a lens cover slidably moved to an open position, col. 3 lines 44-50).

[Claims 12, 13, 15-16]

These are method claims corresponding to apparatus claims 1, 2, 4 and 5 respectively. Therefore these claims have been analyzed and rejected based upon apparatus claims 1, 2, 4 and 5.

[Claim 17]

Burnham teaches in figure 2 wherein said lens and said flash device are horizontally arranged side by side or perpendicular to each other.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/  
Examiner, Art Unit 2622